

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DAVID LOTT, et al.

Case No. 1:15-cv-00418

Plaintiff,

Judge Michael Barrett

v.

**PANTHER DEVELOPMENT
INVESTMENTS, LLC**

**JOINT MOTION TO APPROVE
SETTLEMENT AGREEMENT AND
DISMISS CASE**

Defendant.

Plaintiffs Bruce Lott, David Lott, and Lott Consulting, LLC and Defendant Panther Development Investments, LLC provide the following Joint Motion to Approve Settlement Agreement and Dismiss Case. The parties have resolved their claims. For the reasons stated in the attached Memorandum, this Motion should be granted by the Court. A proposed Order is being submitted to the Court's chambers.

Respectfully submitted,

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MEMORANDUM

This lawsuit arises out of Defendant Panther Development Investments, LLC, (“PDI”) having contracted with the Plaintiffs to perform certain work in connection with a construction project in Mandaree, North Dakota. Various disputes have arisen between the parties regarding the work performed on the construction project, resulting in several lawsuits having been filed. PDI first filed suit against Plaintiffs in the United States District Court for the Southern District of Florida. Due to jurisdictional concerns, PDI dismissed that action and filed a similar lawsuit in the District Court for the Northwest Judicial District, McKenzie County, North Dakota. Around the same time, Plaintiffs filed the instant lawsuit in this Court. In this lawsuit, Plaintiffs David Lott and Bruce Lott asserted claims for alleged unpaid wages, and David Lott specifically asserted claims pursuant to the Fair Labor Standards Act, 29 U.S.C. § 201, et seq. (the “FLSA”). (See Complaint, ¶¶ 38-44.)

While Defendant PDI continues to deny that it has any liability to David Lott or Bruce Lott for unpaid wages under the FLSA or otherwise, the parties have resolved their claims against each other, including Plaintiffs’ claims giving rise to this suit. The parties have entered into a confidential Settlement Agreement that the Court has been requested to approve. The Settlement Agreement is being submitted to the Court’s chambers for review but not filed due to its confidential nature.

When an employee brings a private action for back wages under the FLSA, and the Parties present to the District Court a proposed settlement, the District Court may enter an Order approving the settlement after scrutinizing the settlement agreement and concluding that it is a fair and reasonable resolution of a bona fide dispute over wages under the FLSA. *Lynn’s Food Stores v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982).

The parties have filed several lawsuits regarding their disputes, demonstrating a bona fide dispute regarding entitlement to alleged unpaid wages or overtime wages. The settlement agreement resolves that bona fide dispute, and represents the desire and agreement of the parties to avoid the costs and uncertainties of further litigation.

The parties jointly request that this Court approve the Settlement Agreement and dismiss the instant case. The parties further request that the Court retain jurisdiction to enforce the settlement Agreement. A proposed Order is being provided by the parties.

Respectfully submitted,

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